

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	WT Docket No. 04-140
)	
Amendment of Part 97 of the Commission's Rules)	
Governing the Amateur Radio Service)	
)	
TO: The Commission		

REPLY COMMENTS OF JOHN B. JOHNSTON

1. These reply comments rebut the Comments of ARRL, The National Association for Amateur Radio ("ARRL"), filed June 15, 2004. ARRL opposes the Commission's compassionate proposal to authorize currently licensed amateur radio operators to designate the specific amateur radio club that they wish to acquire their station call sign *in memoriam*.¹ It argues that no amateur operator should enjoy any such right and goes on to raise new issues of implementation.² Its opposition and reasoning, however, are without merit.

2. The issue here is that special privilege enjoyed currently only by a deceased licensee's spouse, child, grandchild, stepchild, parent, grandparent, stepparent, brother, sister, stepbrother, stepsister, aunt, uncle, niece, nephew or in-law. They alone can speak for the former licensee, *post mortem*, as to the fate of the deceased person's former station call sign.³ This Commenter is appreciative of the Commission's understanding of the unfairness in this limitation. It discriminates against every amateur operator from speaking personally, *ante mortem*, to this sensitive matter. Fairness dictates that relatives should be allowed to speak for the deceased only where the deceased has not so spoken for himself or herself. Thus, the opposition and reasoning are without merit.

3. There is no legitimate basis, moreover, for any new concern over implementation of the proposal. The Commission's vanity call sign system already contains a working process for the club station's license trustee to prove that it is entitled to hold a deceased member's former amateur station call sign *in memoriam*: The process relies upon a written statement by a relative of the deceased, as contained in the records for the club station. This process would also be used to implement, very well, the proposed amendment: The process can rely

¹ Notice of Proposed Rule Making and Order at ¶ 51.

² ARRL comments at ¶¶ 16 and 17.

firstly upon a statement – written *ante mortem* -- by the deceased. Thus, the opposition and reasoning are without merit.

4. This commenter, therefore, looks toward prompt adoption of this aspect of the Notice.

Respectfully submitted,

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FRN 0003115342
June 29, 2004

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³ 47 C.F.R. § 97.19(c)(3).